

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-212395**DATE: August 8, 1983****MATTER OF: Swintec Corporation****DIGEST:**

Protest against rejection of offer under solicitation filed with GAO more than 10 working days after protester learns of rejection of offer and basis for rejection is dismissed as untimely.

Swintec Corporation (Swintec) protests the rejection of its offer of a Swintec model electronic typewriter under solicitation No. YGE-B8-75246, for a multiple-award Federal Supply Schedule (FSS) contract issued by the General Services Administration (GSA). In addition, Swintec also protests GSA's anticipated rejection of this typewriter model under a contemplated GSA solicitation because the Swintec model will not be on the qualified products list for electronic typewriters.

We dismiss the protest.

By letter dated June 1, 1983, GSA advised Swintec that its offer would not be considered under the current GSA solicitation because the Swintec model electronic typewriter offered was not covered under that solicitation. Swintec received this letter rejecting its offer, at the latest by June 10, 1983, because on June 10, 1983, by letter to GSA, Swintec resubmitted its offer. Swintec also advised that it intended to file a protest with the General Accounting Office if its offer was not accepted or it was not given the opportunity to compete under the contemplated solicitation. On July 15, 1983, Swintec filed a protest with GAO.

Section 21.2(b)(2) of our Bid Protest Procedures requires protests of other than solicitation improprieties to be filed within 10 working days after the protester knew or should have known of the basis for the protest. Where an offeror is notified of the unacceptability of its offer and the reasons for the offer's rejection, a protest based on such rejection must be filed within 10 working days of such

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notice. Jarrell-Ash Division, Fisher Scientific Company--
Request for Reconsideration, B-209236.2, December 21, 1982,
82-2 CPD 562. Clearly, Swintec's letter of June 10, 1983,,
to GSA is not a letter of protest. It merely indicates an
intent to protest to our Office at an unspecified future
date. Accordingly, to the extent Swintec is protesting the
rejection of its offer under GSA solicitation No. YGE-B8-
75246, the protest first filed on July 15, 1983, more than a
month after Swintec learned of its basis of protest, is
untimely.

Swintec also protests the possible disqualification of
Swintec from competing on a future FSS procurement because
its product allegedly will not be included on a qualified
products list for that FSS procurement. We are requesting a
report from GSA concerning this matter.

We dismiss the protest under solicitation
No. YGE-B8-75246.

for *F. H. Barclay Jr.*
Harry R. Van Cleve
Acting General Counsel